(28)

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No.4433/2007

PETITIONER

Alam Sai,
S/o Shri Budhram,
Aged about 40 years,
Panchayat Secretary, Village Panchayat Dandgaon,
Block – Udaipur, Tehsil – Ambikapur, District Sarguja (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh,
Through – The Secretary,
Panchayat, D.K.S. Bhawan,
Raipur (C.G.)
2. The Collector,
Sarguja (CG.)
3. The Chief Executive Officer,
Janpad Panchayat Udaipur, District Sarguja (C.G.)
4. Village Panchayat Dandgaon,
Through Sarpanch
Block Udaipur,
Tehsil Ambikapur,
District Sarguja (C.G.)
5. Shri Ranjeet Singh,
R/o Village Dandgaon,
Block – Udaipur, Tehsil – Ambikapur,
District Sarguja (C.G.)
6. The Sub Divisional Officer,
Ambikapur, District Sarguja (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri A.N. Pandey, Counsel for the petitioner.
Shri Ajay Dwivedi, Panel Lawyer for respondents No.1, 2 & 6 on advance copy.

ORAL ORDER
(02.08.2007)

SUNIL KUMAR SINHA, J.

Heard.

The brief facts are that admittedly respondent No.5 namely Shri Ranjeet Singh was appointed as *Panchayat Karmi*/Panchayat Secretary of the concerned Gram Panchayat vide order dated 2.11.95. He was placed under suspension vide order dated 12/6/99, on which, he made a representation and after having considered his representation, Deputy

Director (Panchayat), District Sarguja vide order dated 10.04.2000, which was issued in pursuance of the order of the Collector, revoked the suspension order. It is stated that prior to passing of the revocation order of respondent No.5 i.e. during the period of his suspension, the petitioner was appointed as *Panchayat Karmi* of the concerned Gram Panchayat. When the suspension order of respondent No.5 was revoked, he made many efforts for getting charge and ultimately, he filed Writ Petition No.3760/2004 and in the said Writ Petition, order dated 8th February 2007 was passed and it was directed that Deputy Director, Panchayat and Social Welfare and Chief Executive Officer, Janpad Panchayat, Udaipur to ensure compliance of the order dated 10.04.2000 i.e. the revocation order passed in favour of respondent No.5. After this, the concerned authority issued memo dated 18/4/2007 (Annexure P/2), in compliance of which the impugned order dated 17/5/2007 was issued by the Chief Executive Officer, Janpad Panchayat, Udaipur. These two orders relate to handing over of charge to respondent No.5 and stopping bank operation through the petitioner. The petitioner is aggrieved with the aforesaid action of the State.

Needless to say that the petitioner has no right on the said post, because on the date of appointment of the petitioner, the said post was not vacant for fresh appointment, as respondent No.5 was already there, though he was placed under suspension and unless the post would have been fallen vacant either on account of removal of respondent No.5 or on any such account, it was not available for fresh appointment of the petitioner.

The action of the authorities relating to handing over of charge to respondent No.5 and also stopping of the bank operation through the petitioner is in no manner unjust or wrong.

There is no necessity of interference by this Court in this matter, because the said action is in compliance of the order passed by the High Court in W.P.No. 3760/2004 and the earlier order of revocation, which was passed in favour of respondent No.5.

The petition has no merit and the same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

Shyna